Mr. Angus Mackenzie
Center for Investigative Reporting
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San Francisco, CA. 94103

7/29/86

Dear Mr. Mackenzie,

Sorry you didn't get up here when you were east, as Jim Lesar said you intended. Jim is now on vacation in Singapore. He had been my counsel in the case about which I'm writing at Howard Bray's suggestion. There is no interest at the TV nets, the wire services and major papers, to which in the past I've sent copies of the pleadings of both sides - after I was perforce pro se because the DJ fabricated - and I mean the word literally - a conflict of interest between us.

In my 1978 FOIA lawsuit for the JFK-related records of the Dallas and New Orleans field offices the government obtained an unprecedented "discovery" order against me from a judge with a record of being an FBI/DJ adjunct, John Lewis Smith. For abundant, recognized and entirely unrefuted reasons I refused and sought to go up on appeal on that issue immediately, which Smith refused and foreclosed. Later the whole thing went up, we did not prevail, there was a remand, and while it was on appeal I got new evidence. Excuse me, I'm hurrying too much because it is getting to the time I have to get flat on my back and elevate the legs for an hour. When I refused to obey the fraudulently-obtained discovery order they got a judgement for money against me, for their claimed costs, and when I dared them after they threatened a contempt citation against me, they got a duplicating order against Jim. When I was pro se and not affaid of retaliation, as were the lawyers who represented Jim and me on appeal, I alleged and proved perjury, fraud and misrepresentation to get the judgement. To this day it remains entirely undenied. It can't be denied because it consists of FBI records sworn not to exist in my litigation that were disclosed to a friend of Jim's and mine while this case was on appeal. It would be different if I made such charges publicly and privately but I've made them subject to the sanctions of the court, against the prosecutor, and they are undenied in any way. This is an encapsulation. The new evidence includes what in itself in my reporting youth would have been considered newsworthy- they prepared "dossiers" on the chief justice and all the other members of the Commission, on the staff twice, when hired and when the Warren Report was issued (and this includes Senator Spector and Judge Griffin in Ohio and a number of prestigious lawyers, including more than a few out there. And on the "critics" they prepared "sex dossiers." There is more like this, attached to what I filed and ignored by more than three dozen in the various media.

What in my reporting youth, even without the available riches of their indecencies and libels of the past, of which I have records, in an effort to "get" me, wo ld have been a little newsworthy is that they are doing this to a 73-year old man who to their knowledge has been in failed health for a decade and for the period of this litigation had two serious complications to successful arterial surgery, or three arterial surgeries, and is and for five or more years has been seriously limited in what he is able to do. It was, without question, a physical impossibility for me to have complied eith the discovery order, which means to swear to compliance, where Jim and I had a disagreement. Moreover, at the discovery time I had a series of debilitating illnesses. All the medical records are undisputed in the case record and there is not a single word of evidence to contradict what I filed under oath. Right now I'm even more limited because of an additional thrombophlebitis following prostate surgery this past January. Before then I'd been spending three hours a day in therapy and since then an additional two hours flat on my back with my legs elevated. Particularly because I am alone among those known as critics in not being a conspiracy theorist and with an enormous work that is a study of how our institutions worked or failed to work in that time of great crisis and thereafter and have exposed the FBI as few have, with unquestioned accuracy and documentation, this in my youth would have appeared to

most reporters of then traditional belief as persecution and misuse of official power for vengeance. If not also man biting dog, or old man biting official dog.

If I do not in the end prevail it means that FOIA as we've known it, weak as it has been made by the Reaganites even, will not exist at all in those instances in which the government wants to stonewall. With the discovery precedent established, they need only ask for it. And that means much trouble and enormous costs and the end for small people and intolerable costs for the big ones. With sanctions if they do not comply.

When I was less old and more able and I persisted in the fact of government and judicial dishonesty, the Congress amended the investigatory files exemption over me. The establishmentarians were so prejudiced there wasn't even a story about one determined man making the system work. There was indirect mention years later that I'll enclose. So, I guess they hate me more for the opening of the files of so much of their dirty-works, Cointelpro, etc.

I've gotten an extension of time and my brief is now due 10/1. I believe that aside from all the public values in exposure of this nazi-like corruption of the judicial process, with the courts compliant and accessories, there could be great benefit to me from some decent public attention to the undenied case record. That is so strong and so undenied there can't be any question about it. This is what Howard suggested that I write you. I'm not able to drive to Washington, haven't been able to since 1977. (Which didn't keep the DJ from alleging, in an effort to get Jim disbarred, that the district court "closely observed" my alleged misconduct with him - when I was not there, from the case record transcripts, and could not have been there, from my medical records in the case record. I finally got the ACLU, after much arguing, to include a little footnote pointing out that this was untrue, hardly enough emphasis to the appeals court, and the Nader people, who represented Jim, did not make any mention at all.

The case record is enormous. Jim and I have copies of all. We remain friends and I still send him copies of everything. But what I think can be handled easier and does not represent an insurmountable problem for me, although any work is not easy now, is restriction to the time I've been pro se, which has all the undenied allegations and proofs of fraud, perjury and misrepresentations and a few angry lectures on true and traditional Americanism. Along with legal citations that are ignored. After remand I moved for relief from the judgement under Rule 60(b), which is for new evidence, meaning that not reasonably available at the time of decision. There is a nice touch here: the FBI's major affiant in my case is the same supervisor who disclosed the proof of his and his associates' felonies to my friend. He has no excuse and can escape only by the corruption of the courts.

I hope this is not too hasty and disjointed but if you are interested, except when I have medical appointments or take my wife shopping, I'm home from my early morning therapy by 10:30 a.m. out time and I do the legs-up bits beginning 1:30 and 4:30, to TV my wife looks at and radio news. (301/473-8186)

A dear friend when I was going around promoting my books (six on the JFK jobs one on the King) was Harve Morgan, initially with a fine talk show on KCBS, later a TV news anchor on KGO. Last I heard he was teaching, possibly at San Francisco State. If you'd be kind enough to phone and tell him that I still have fond memories of him, his wife Judy and his son, then the infant Mike, I'd appreciate. They were fine human beings and we did have a memorable night together when a man I later got proof was an FBI symbol informer tried to redbait me on KCBS. Harve wanted to cut him off, I insisted that he be heard, and I did him in - and made the next night's appearance at the Hall of the Flowers SRO. Thanks for anything you can do and for your own fine work, of which I know from Jim. Best wishes, too, Harold Weisberg